

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STATISTICS & RESEARCH
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TRAVEL & SUBSISTENCE PROVISIONS

FOR

**BUILDING/CONSTRUCTION INSPECTOR AND FIELD SOILS AND
MATERIAL TESTER**

IN

ALAMEDA, ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA,
CONTRA COSTA, DEL NORTE, EL DORADO, FRESNO, GLENN,
HUMBOLDT, KINGS, LAKE, LASSEN, MADERA, MARIN, MARIPOSA,
MENDOCINO, MERCED, MODOC, MONTEREY, NAPA, NEVADA,
PLACER, PLUMAS, SACRAMENTO, SAN BENITO, SAN FRANCISCO,
SAN JOAQUIN, SAN MATEO, SANTA CLARA, SANTA CRUZ, SHASTA,
SIERRA, SISKIYOU, SOLANO, SONOMA, STANISLAUS, SUTTER,
TEHAMA, TRINITY, TULARE, TUOLUMNE, YOLO AND YUBA COUNTIES

R E C E I V E D
Department of Industrial Relations

JUL 22 2008

AGREEMENT

Div. of Labor Statistics & Research
Chief's Office

THIS AGREEMENT, made and entered into this 16th day of April, 2008, by and between **OPERATING ENGINEERS LOCAL UNION NO. 3** of the International Union of Operating Engineers, AFL-CIO ("Union") and the **COUNCIL OF ENGINEER AND LABORATORY EMPLOYERS, INC.** (Employer) for and on behalf of its members hereinafter identified,

05.00.00 TRAVEL, SUBSISTENCE

05.01.00 *Where to Report.* The Employee shall report at his/her Individual Employer's regularly established office or at the jobsite as directed by the Individual Employer.

05.01.01 *Individual Employer's Regularly Established Office.* For the purpose of Section 05.01.00, the Individual Employer's regularly established office shall mean the office nearest the Employee's residence.

05.02.00 *Work at Distant Locations.* When an Employee is working at a location so distant from the Individual Employer's regularly established office as to preclude the Employee from returning to his or her regular place of residence at the end of the working day, the Individual Employer shall furnish at its expense transportation to and from said location, and pay subsistence during the time the Employee remains there. The Individual Employer shall determine whether or not the Employee is required to return to his or her regular place of residence at the end of the working day. However, if an Employee of his or her own volition leaves said distant location for weekends or holidays to return to his or her regular place of residence, he or she shall during such period be entitled to either subsistence or transportation to and from his or her residence, at the Individual Employer's discretion.

05.02.01 Travel outside the regular workday in excess of a fifty (50) -mile radius from the Employees residence, or the Employer's certified or accredited laboratory, whichever is closer to the jobsite, shall be compensated at the applicable straight-time rates. Such travel time outside the regular workday shall not be the basis for computing overtime and fringe benefits. The IRS standard mileage rate shall apply to all such miles driven.

05.03.00 *Subsistence.* The Individual Employer shall pay subsistence under Section 05.02.00 hereof, at the rate of eighty-five dollars (\$85.00) per day effective May 1, 2008, on a seven (7) day-per-week basis. The Individual Employer will provide advance subsistence payments to Employees covering the number of days they will be eligible for same, up to a maximum of one (1) workweek, unless otherwise mutually agreed between the Individual Employer and the Employee. "In the event an Employee's actual receipted cost for reasonable and customary expenses exceeds the above amounts per day, the Individual Employer shall pay such additional expenses. Provided, however, that the Individual Employer shall have the option of providing suitable room and board without cost to the Employee.

05.04.00 *Use of Personal Vehicle During Time Worked.* Once an Employee exceeds the daily mileage requirement specified in 05.02.01 or reports to work at either the Individual Employer's regularly established office or job site, all travel during the workday to the last job site or the Individual Employer's regularly established office shall be paid. The Employee shall be paid mileage at the IRS adjusted rate in effect, and his or her applicable rate of pay for time spent driving between locations. In addition, the Individual Employer shall pay bridge, ferry, toll road, and reasonable and customary parking charges. A valid receipt must be presented in the current pay period to be eligible for reimbursement. Said reimbursement shall be paid no later than the end of the next payroll period.